IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY EIGHTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HONOURABLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.13125 of 2004

Between:

1. Kinnera Prasad Rao S/o.Yerra Gopaiah, 32 years,
   r/o.Kunchaparthy Village, Vemsoor Mandal, Khammam District.

2. Kinnera Mahalaxmi, W/o.Yerra Gopaiah, 60 years,
   r/o.Kunchaparthy Village, Vemsoor Mandal, Khammam District.

...PETITIONERS

AND

1. The District Collector, Khammam, Khammam District.

2. The Revenue Divisional Officer, Khammam, Khammam District.

3. The Mandal Revenue Officer, Vemsoor, Khammam District.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, order or direction more particularly one in the nature of Writ of Mandamus, declaring the action of the Respondents in interfering with the1st petitioner's land in survey No.14/ to an extent of Acres 1-00 situated kunchaparthy Village, Vemsoor Mandal and with the 2nd petitioner's land in Survey No.14/ to an extent of Acres 2-20 guntas situated at Kunchaparthy Village, Vemsoor Mandal, Khammam District without following due process of law is illegal, arbitrary and violative of Article 14 of the Constitution of India and direct the Respondents herein not to interfere with the petitioners peaceful possession and enjoyment of the petitioners property bearing Survey Nos. 14 and 14/ to an extent of Acres 1-00 and Acres 2-20 guntas respectively situated at Kunchaparthy village, Vemsoor Mandal,

Khammam District without due process of law.

Counsel for the Petitioners: MR.Y.ASHOK RAJ

Counsel for the Respondents: GP FOR REVENUE

The Court made the following:

ORDER:

The petitioners claim to be in possession of agricultural lands in Survey No.14 of Kunchaparthy Village. They also produced the Xerox copy of the pahani showing that the petitioners are in possession of land in Survey Nos.14/AE and 14/AU admeasuring Ac.1.00 and Ac.2.20 gts respectively. They alleged that without due process of law, the third respondent visited the land on 05.07.2004 and directed them not to cultivate the land. Apprehending the coercive action for dispossession, they filed the present Writ Petition.

Heard the learned counsel for the petitioner and learned Assistant Government Pleader for Revenue. It cannot be denied that if the persons are in possession of the land, they cannot be deprived of the same without due process of law. Therefore, it is always open to the respondents to take action for evicting or dispossessing the persons in occupation after giving notice either under the Board Standing Orders or the A.P.Land Encroachment Act, 1905. Without such notice, the petitioners cannot be disturbed. With these observations that dispel any apprehension of the petitioners, the Writ Petition, is disposed of.

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(V.V.S.RAO, J)

28th July 2004

RRB

Copies To:

1. The District Collector, Khammam, Khammam District.
2. The Revenue Divisional Officer, Khammam, Khammam District.
3. The Mandal Revenue Officer, Vemsoor, Khammam District.
4. Two CCs to G.P. for Revenue, High Court Buildings, Hyderabad (OUT).
5. Two CD copies.